

JUDGE BROWN TO HEAR ARGUMENTS OVER FEES FOR PLANT'S EXECUTORS

Testimony having closed in the hearing over the amount of fees to be allowed the executors who handled the \$35,000,000 estate of the late Commodore Merion P. Plant, Groton and New London, the arguments are to be heard in this city Saturday morning by Judge Allyn L. Brown of the superior court.

On the final day of the hearing for the presentation of testimony on Wednesday before Judge Brown of New London, witnesses for the appellants testified that from \$75,000 to \$100,000 would have been a fair amount for the executors while witnesses for the appellees said they considered \$300,000 each for the three active executors was not excessive.

Each of the active executors of the estate, the United States Trust Co., Attorney George L. Shearer and F. DeG. Sullivan of New York, the latter confidential agent for Mr. Plant during his life time, claimed \$100,000 each for their services and \$100,000 each for Mrs. Mae Caldwell Hayward, widow of Commodore Plant and Henry Bradley Plant, his son, who were the passive executors. The claims of the three active executors were disallowed and Judge Arthur P. Anderson in the probate court allowed them \$358,192.25 each and the two passive executors \$152,646.12, from which an appeal was taken to the superior court.

Henry B. Plant, one of the passive executors, testified that he was satisfied with the \$300,000 for each of the executors. Asked how much he wanted, he said that he did not care, but that he ought to receive as much as Mrs. Hayward.

Williamson Bell, vice president of the United States Trust Co., gave testimony regarding the size of interest which the company received on loans.

Judge Henry S. Brown of New Haven testified that the opinion of the executors

as to the value of their own services had some weight with him, as did the New York commission law and he thought that \$300,000 was reasonable for each of the executors.

Frederick C. Taylor, judge of probate of Stamford, said that he considered \$300,000 was a moderate amount for the services of the executors.

J. Lincoln Penn, senior trust officer of the Hartford Connecticut Trust Co. of Hartford testified that in his opinion \$300,000 was a reasonable fee. He said that he reached his opinion from statements he had heard out of court and testimony he had heard in court.

Charles W. Cramer of Middletown, former attorney for the state tax commissioner gave the opinion that one per cent on the estate according to the New York law was reasonable.

Charles B. Waller of New London, judge of the court of common pleas, said that three per cent of the estate for all five was sufficient and that he took the New York statutes as a guide.

Nelson J. Ayling, judge of the probate of Norwich, testified that he thought \$300,000 each was reasonable, although he was of the opinion that it was possible to get one competent person to administer the estate for \$25,000 a year.

Attorney William H. Shibus of Norwich, president of the New London county bar, thought that \$300,000 for each of the executors was not excessive.

At the conclusion of Attorney Shields testimony, the appellees rested their cases and the appellants introduced their testimony.

Former Governor Marcus H. Holcomb of Southington a former judge of the superior court, said that \$35,000 was a reasonable amount for services for the work accomplished as testified to by the executors. He took in consideration the time

and effort given by Messrs. Shearer and Sullivan and the officers of the trust company. He said he reached this figure at the rate of \$17,000 a year for five years which was the total amount of time expended by all three executors combined. He said that one man could have settled the estate.

Former Judge John M. Thayer of Norwich, testified that in his opinion \$50,000 would have employed a competent person to do the work but he would allow \$25,000 because the work was split up and that he would allow from \$12,000 to \$15,000 for the two passive executors combined.

Former Judge Donald G. Warner of Salisbury said \$100,000 was a moderate compensation for all the executors and he was as his reason the fact that they were liable for nothing except willful misconduct and that he took into consideration that two of the active executors were familiar with the affairs of Mr. Plant, who conducted no manufacturing business or other active business. He said that Mr. Shearer had yet no business as a member of the law firm of Stewart & Shearer and that while the bank was administering the Plant estate it was also administering hundreds of other estates.

Charles W. Phelps, former attorney general, testified that from \$70,000 to \$75,000 was enough for the time occupied. The claim was for compensation for services of about one year and a half. He based his opinion on the fact that \$1,000 a month for each of the active executors for 18 months would make a total of \$54,000 and allowing \$10,000 each to the passive executors.

Judge Silas A. Robinson of New Haven thought that \$100,000 was sufficient, taking into consideration the time spent, success and size of the estate. He was inclined to think that it was a little too large. In reply to a question as to what he thought of \$300,000 as a reasonable fee, Judge Robinson declared: "It is disloyalty to the dead and the living."

Counsel objected and the answer was stricken out. "It is unbecomingly the next answer. This was also stricken out on objection. I think it is very improper," he asserted.

Wallace S. Allen of Norwich testified that \$75,000 would have employed a competent person to handle the estate. His view of the fact that it was divided among three was that it was a little too large. He said that he thought \$100,000 was a reasonable fee for each of the active executors and \$25,000 for each of the passive executors \$18,000 at the rate of \$3,600 a year.

NORWICH SOCIETY EXORER

IN NEW YORK TUESDAY

The Norwich society of New York is to hold its annual smoker Tuesday evening, Dec. 6th, at the Waldorf Astoria, 14th street and 5th avenue, New York. This year the Norwich society will hold the smoker in connection with the New England and society as this society will have its annual dinner at the same time. Rev. George E. Russell, chairman of the Gloucester Fishermen's Institute, Gloucester, Mass., will address the meeting on "The Gloucester Fishermen's work and will show lantern slides."

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